

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Glenn)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOEY FREDERICK SAIA,

Defendant and Appellant.

C040860

(Super. Ct. Nos.
01CR00141 and
01NCR4750)

Pursuant to a bargain, defendant Joey Frederick Saia pleaded guilty in case No. 01CR00141 to transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a)) and to transportation of cocaine (Health & Saf. Code, § 11352, subd. (a)). In case No. 01NCR4750, defendant pleaded guilty to felony failure to appear (Pen. Code, § 1320.5).

He was sentenced to five years for the transportation of cocaine, a concurrent term of four years was imposed for the transportation of methamphetamine, and a concurrent term of

three years was imposed for the failure to appear. In case No. 01CR00141, the court imposed restitution fines of \$1,000 in accordance with Penal Code sections 1202.4 and 1202.45; in case No. 01NCR4750, the court imposed restitution fines of \$600 in accordance with Penal Code sections 1202.4 and 1202.45.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Our review of the record discloses that, for each drug conviction, the court failed to imposed the \$50 dollar mandatory criminal laboratory fee analysis fine (Health & Saf. Code, § 11372.5, subd. (a)) plus the penalty assessments required by Penal Code section 1464 (\$50) and Government Code section 76000 (\$35). We are authorized to correct such failures. (*People v. Turner* (2002) 96 Cal.App.4th 1409; *People v. Martinez* (1998) 65 Cal.App.4th 1511, 1520-1522.)

We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is modified in the following respects: For each of the two convictions in case No. 01CR00141 a laboratory

fee analysis of \$135 is imposed, for a total of \$270. In all other respects the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward it to the Director of the Department of Corrections.

BLEASE, Acting P.J.

We concur:

DAVIS, J.

HULL, J.